

BOARD OF APPEALS CASE NO. 5073

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BEFORE THE

APPLICANT: Gemcraft Homes, Inc.

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct a dwelling
within the required rear yard setback;
3030 Clarkson Drive, Abingdon**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 8/2/00 & 8/9/00

HEARING DATE: September 6, 2000

Record: 8/4/00 & 8/11/00

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Gemcraft Homes, Inc., is seeking a variance pursuant to Section 267-36B, Table V, of the Harford County Code to construct a dwelling within the required 35 foot rear yard setback (29.5 feet proposed) in an R2/COS Urban Residential with Conventional Open Space District.

The subject parcel is located at 3030 Clarkson Drive within the Bynum Run Subdivision and is more particularly identified on Tax Map 62, Grid 2B, Parcel 625. The subject parcel is zoned R2/COS and is entirely within the First Election District.

Mr. Rowan Glidden appeared on behalf of the Applicant. Mr. Glidden indicated his agreement with the facts, findings, conclusions and recommendations of the Department of Planning and Zoning Staff Report dated August 9, 2000 prepared for this case. The witness described the property and its unique topographical features, which include severe sloping from front to rear property lines and the existence of a storm water management pond to the rear and two sides of the parcel. There is an existing house on a lot west of this parcel and the witness indicated that in order to build a home that is compatible in appearance and size with other existing homes in the subdivision, the variance requested herein is necessary.

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The rear yard setback would be reduced by 5 ½ feet if the variance were granted. Since the rear property is a storm water management pond, the rear yard setback really has no impact or very little impact on this particular parcel. The house as proposed, is located as far forward as possible on the lot. It would be impractical to build a house here that is not compatible in size and character with the other homes in the neighborhood and it would impose a severe hardship if the builder could not develop this parcel as a residential property.

The Department of Planning and Zoning (Department), in its Staff Report dated August 9, 2000, concluded that the property was constrained by unique topographical features including severe front to rear sloping and the existing storm water management pond which surrounds the rear and side yards of the parcel. The Department recommends approval of the requested variance.

CONCLUSION:

Section 267-36B, Table V, of the Harford County Code requires a 35-foot rear yard setback. The Applicant seeks a variance to construct a dwelling with a 29.5 foot rear yard setback.

Section 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

Based on the testimony of the Applicant’s witness and the recommendations of the Department, the Hearing Examiner recommends approval of the requested variance.

Date SEPTEMBER 20, 2000

William F. Casey
Zoning Hearing Examiner